



CURTIS A. CONNORS

tel: (617) 770.2900

fax: (617) 773.6934

cconnors@gncm.net

October 24, 2016

Via E-mail and Certified Mail

Regional Freedom of Information Officer
U.S. EPA, Region 1 (OARM01-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
E-mail: r1foia@epa.gov

Re: Freedom of Information Act Request in regard to:
459-471 Watertown Street / 320-330 Nevada Street, Newton, Massachusetts
CERCLIS No. MAD 001032671
Site ID: 100381
FIPS Code: 25017

To Freedom of Information Officer:

This is a request under the Freedom of Information Act (5 U.S.C. § 552) and EPA's regulations (40 C.F.R. Part 2) regarding the above-referenced property(ies) in Newton, Massachusetts (the "Location"). Based on information and belief, the Location was considered for listing on the NPL in the late 1990s but was ultimately not listed. However, EPA records are known to exist relating to the Location, as evidenced by the enclosed "Final SI/SIP Package, Former TRW DOT Division – Newton, Massachusetts", dated April 30, 1998, which references a CERCLIS number (MAD 001032671) as well as the notation that "Comments from EPA Region I have been incorporated".

I hereby request all copies of, or access to, any and all documents and communications (hard copy or electronic) relating to the Location in any way, including any investigations relating thereto. The foregoing includes without limitation any and all notes, comments, letters, emails, faxes, text messages, databases, memoranda, reports, manifests, bills of lading, shipping records, lab reports, analyses, governmental filings, studies, work papers, sampling data, field notes, lab reports, maps, plans, schematics, drawings, specifications, designs, sketches, pictures, images, photographs, photocopies, Sanborn maps, aerial views, charts, graphs, videos, published or unpublished speeches or articles, publications, call logs, interview summaries, affidavits, declarations and deposition transcripts.

October 24, 2016

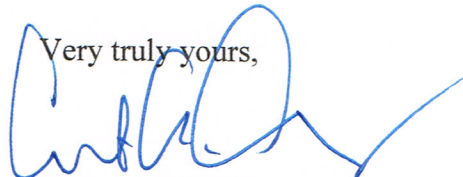
Page Two

The foregoing request regarding documents and communications shall expressly include without limitation the following:

- Communications between EPA or anyone on its behalf and the Massachusetts Department of Environmental Protection or its predecessor, the Massachusetts Department of Environmental Quality Engineering, or anyone on its behalf
- Information regarding any CERCLA site where waste from the Location is/was alleged to have ever been disposed, including without limitation in relation to the Sutton Brook Disposal Area Superfund Site in Tewksbury, Massachusetts.
- Any and all information relating to a September 4, 1991 memorandum from William Hanscom, EPA Inspector, to Nancy Smith, EPA Site Assessment Manager, regarding information provided by "an anonymous informant" (referenced on p. 9 of the enclosure hereto), including the memorandum itself and information regarding the identity of the informant.¹

I understand that EPA may charge reasonable fees for the direct costs of searching for and copying the requested documents. To expedite matters, I am prepared to arrange with EPA for the copying of responsive documents involved and to pay for the costs incurred by the copying service.

Thank you for your timely processing of this request. Please contact me with any questions.

Very truly yours,

Curtis A. Connors

Encl.

cc: National Freedom of Information Officer (via email hq.foia@epa.gov)

¹ An important distinction must be made between an "anonymous" informant and a "confidential" one. "Confidential" means that information was provided based on *express advance agreed* withholding of the identity of the source. See Rosenfeld v. U.S. Dept. of Justice, 57 F.3d 803, 814 (9th Cir. 1995); see also U.S. Dept. of Justice v. Landano, 508 U.S. 165, 175-78 (1993). "Anonymous", on the other hand, simply means that the information was provided by someone who did not identify himself. Anonymous information is therefore (i) less reliable, since the source is not known and (ii) not entitled to heightened protection. Given that the informant's statement here was provided more than 25 years ago, and that a summary of that information is available to the public via Google, there is no enforcement prejudice in disclosing the requested information. Rosenfeld, *supra*. at 812-813.